

Notice of Allowability

Application No.

10/780,164

Examiner

Robert J. Sandy

Applicant(s)

ACTON ET AL.

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/2/2005.
2. ☒ The allowed claim(s) is/are 2-24.
3. ☒ The drawings filed on 17 February 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date with this paper.
7. ☒ Examiner's ~~Statement~~ / Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S COMMENT

Applicant's response filed 02 August 2005, canceling claim 1, amending claim 2 to include all the limitations of base claim 1, and provided reasons on page 9, beginning with the second paragraph, pertaining to wherein the device of Walker (U. S. Patent No. 3,974,546) does not meet at least the limitation requiring the web is not capable of "extending around at least partially around . . . the bearing member". Furthermore, the prior art of record fails to suggest modifying the device by Walker ('546) to have the web extending at least partially around the bearing member(s). The aforementioned reason also pertains to Claim 19, wherein the claimed limitation of the "web extending at least partially around each of the bearing member" is required.

A Summary of the telephone interview on 17 August 2005 is provided:

A phone conversation with James R. Sweeney, II, on 17 August 2005, to discuss the reasons for allowance to new claims 23 and 24 that were filed with applicant's response on 02 August 2005. Applicant's response omitted a specific reason why each of new claims 23 and 24 were allowable over at least the cited references used in the claim rejections of the prior Office action. During the phone conversation, applicant's representative, James R. Sweeney, II, stated that at least the limitation in claim 23 pertaining to "the web clamping member having an external peripheral surface defining a second web engaging surface" were not found in the Walker ('546) reference since the second web engaging surface would be analogous the surface of the flat recessed portion 36, which cannot be considered as "an external peripheral surface". This explanation is found persuasive. Regarding claim 24, applicant's representative stated that at least the limitation pertaining to "a web clamping . . . fixed from linear movement relative to the sidewalls" is not found or suggested in either of Walker (546) and Merrick ('653), since the web clamping members in each of the devices of Walker (546) and Merrick ('653) are require to slide. This, too, is found persuasive.

In view of the above reasons, provided herein, the rejections under 35 U.S.C. §102 and 103 indicated in the prior Office action each have been withdrawn.

Art Unit: 3677

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert J. Sandy whose telephone number is 571-272-7073. The examiner can normally be reached on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J.J. Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



ROBERT J. SANDY
PRIMARY EXAMINER

Robert J. Sandy
Primary Examiner
Art Unit 3677